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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,891	04/18/2005	Tillmann Dorr	P2107-261	1482
2352 7590 04/28/2009 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER WEIER, ANTHONY J				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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10521891	4/18/05	DORR ET AL.	P2107-261

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EXAMINER

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DATE MAILED:

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Commissioner for Patents

The IDS submitted 4/8/09 has been considered and entered. An initialed copy is attached.

The prior art has been carefully considered including the Japanese rejection of claims drawn from the same invention. However, it should be noted that it would not have been obvious to one having ordinary skill in the art at the time of the invention to have employed urea with the palatinose (isomaltinose) of JP 58031961 in the invention of JP 59-028457 because it is not clear that urea would provide the same effectiveness in sustained neutralized acidified plaque layers as set forth in WO 86/06625 which only shows testing results for a few kinds of artificial sweeteners. Although other artificial sweeteners are referenced in WO 86/06625 for possible use (page 15), there is no reference or suggestion to employ the palatinose/stevia related combination as called for in JP 58031961. Also, JP 58031961 is silent regarding the use of at least 90% palatinose in a tea beverage powder nor is there any suggestion or direction as to how much palatinose/stevia would be required as an equivalent substitute for sucrose/glucose in the tea powder of JP 59-028457 and how one would arrive at the particular amounts of palatinose and urea as called for in the instant claims. Also, WO 86/06625 incorporates urea with the purpose of aiding carie prevention in products that are held in the mouth for extended periods of time (e.g. gum). Clearly, tea powder itself is not intended for direct consumption and the tea beverage made from same is not intended to stay in the mouth for long at all. It would not have been obvious to have incorporated urea as set forth in WO 86/06625 in tea powder/beverages since same would not exhibit the intended use of urea (e.g. effectiveness in sustained neutralizing of acidified plaque layers).

/Anthony Weier/
Primary Examiner, Art Unit 1794